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**STUMBLING TOWARD TOTAL CIVIL WAR:
THE SUCCESSFUL FAILURE OF UNION CONSCRIPTION
1862-1865**

BY

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ABSTRACT

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TITLE: Stumbling Toward Total Civil War: The Successful Failure of Union
Conscription, 1862-1865

FORMAT: Strategy Research Project

DATE: 7 April 1997 PAGES: 32 CLASSIFICATION: Unclassified

America's first experiment with compulsory military service was enacted in desperation during the defining period in the nation's history; the Civil War. The Enrollment Act of 1863 created a complicated, inequitable draft system that failed in its intended purpose of raising troops for the Union Army. Less than 6 percent of the 2.2 million men in blue were conscripts. What was not foreseen were the far reaching, unintended effects of the draft that greatly contributed to victory, and signaled a landmark shift in the way American's view conscription. The unprecedented violence initiated by anti-draft and anti-war factions in the north quickly polarized society, bringing home the terrible earnestness of war to a people only lightly touched thus far. This realization, that total war meant total involvement of the people, resulted in an unprecedented effort to recruit enough men to "finish the job." Over one million men were recruited during the final year of the war, ensuring the restoration of the Union. This new spirit of service to the nation began the shift from reliance on a failed mobilization system of militia and volunteerism, to acceptance of national conscription as the American way of raising armies in times of crisis. The successful mobilizations of the World Wars and the establishment of a peacetime draft were thus born in the fire of the Civil War.

TABLE OF CONTENTS

ABSTRACT	iii
TABLE OF CONTENTS	v
INTRODUCTION	1
HISTORICAL CONTEXT.....	3
The Volunteer Tradition: 1792-1860.....	4
War of 1812.....	6
War with Mexico.....	7
PREPARING FOR CIVIL WAR.....	7
States in Charge: The Breakdown of the Militia System.....	7
The Regular United States Army.....	10
THE WAR BEGINS: "Home Before the Harvest"	11
The Collapse of State Recruiting.....	15
The Cameron/McClellan Replacement Plan and Stanton's Blunder.....	17
TOTAL WAR: The Militia Draft of 1862.....	19
The Final Step: The Enrollment Act of 1863.....	21
The Draft and Citizen Reaction.....	23
Results of the Draft: "Successful Failure"	24
CONCLUSION	26
ENDNOTES	29
BIBLIOGRAPHY	31

In a letter to Alexander Hamilton of May 2, 1783, George Washington outlined his vision of universal military service for the citizens of the world's newest country:

It may be laid down as a primary position, and the basis of our system, that every citizen who enjoys the protection of a free government, owes not only a proportion of his property, but even of his personal services to the defense of it, and consequently that the Citizens of America (with a few legal and official exceptions) from 18 to 50 years of Age should be borne on the Militia Rolls, provided with uniform Arms, and [be] so far accustomed to the use of them, that the Total strength of the Country might be called forth at Short Notice on any very interesting Emergency.¹

Washington's vision, that of a system of compulsory military service for all citizens, never became a reality. Attempts at creating a successful militia system that provided the requisite manpower, was equitable and met with the approval of politicians and the people alike were eventually doomed to failure, a victim of the eternal debate of states rights versus a strong Federalist system. This failure was to have dire consequences on the eve of the Civil War, the greatest trial yet faced by the still young nation.

The Enrollment Act of March 1863 was one of the more controversial actions taken by the Government of the United States in prosecuting the Civil War of 1861-1865. For the first time in its history, the Congress of the United States, taking seriously its obligations under Article I of the Constitution, had enacted compulsory military service for American citizens. To those opposed to a draft it flew in the face of the American spirit of independence and volunteerism and represented grievous

interference in the rights of states by the Federal Government. This belief was especially strong in those citizens opposed to the war. To those supporting a draft, its tardy enactment and numerous loopholes in the face of national emergency was unfathomable.

Scholars continue to discuss and debate the draft's timing, politics, legality, management, citizen reaction and poor manpower production (only 5.5 percent of 2.2 million men in uniform were conscripted)². This paper will discuss that critical decision, it's near fatal delay, the events and missed lessons of 60 years that made it inevitable, and why though the "draft" ultimately failed to raise the expected manpower, it's psychological and political effects helped ensure final victory. The subsequent lessons learned concerning the machinery of conscription and recruiting of American citizen soldiers, were to pave the way for the successful massive mobilizations of 20th century American armies.

Statement of Thesis

Although widely unpopular to the point of deadly violence, and characterized by graft, mismanagement and ultimate failure as a troop raising method, America's first experiment in compulsory military service was an inevitable and necessary step in the making of modern American armies. Though a failure in its primary function, the draft of 1862-1865 helped guarantee final victory for the Union.

HISTORICAL CONTEXT

In 1904 Secretary of War Elihu Root directed the War Department to publish a landmark work by Emory Upton entitled The Military Policy of the United States. Upton, a Civil War hero of unusual tactical brilliance and author of numerous works including the standard Army tactics manual, wrote that the system of militia and voluntary enlistment was ruinous, inefficient and vastly inferior to conscription. He attacked the methods and machinery of the militia system, the ability of the troops it produced and decried any involvement by the states in recruiting soldiers and appointing officers in a national army. Upton believed conscription to be "a rational response to the chaos and unpredictability of a federalist system in a voluntarist political culture."³ Said another way, the decentralized Federal administration which relied on state and local governments to perform most of the process of governing, was incapable of maintaining an effective Army without conscription.

This argument was advanced in the 1947 fourteen volume work by the Selective Service, Military Obligation: The American Tradition. The authors, presented with the task of justifying a peacetime draft in the early years of the Cold War, bemoan the "sorry season of a hundred years during which there was main reliance on another ancient method of uniformly disappointing reputation, Volunteer enlistment."⁴ This they compared with the laudable compulsory state service of the Revolutionary War. With the hindsight of two World Wars and the Great Depression, this work helped to define American military policy for the Twentieth Century.⁵ In hindsight, these two

great works are very persuasive. More difficult to determine, however, was whether the method of conscription eventually established in the Civil War was appropriate and effective for the time.

The Volunteer Tradition: 1792-1860

The Congress shall have Power...To raise and support Armies; To provide and maintain a Navy; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the authority of training the Militia according to the discipline prescribed by Congress.⁶

Constitution of the United States, Article I, sec. 8

Americans were different prior to the Civil War. A sense of national identity was not strong, especially for native born Americans. The belief in the idea of the Federal government as central authority was strongest in the sizable immigrant population, who more closely identified with the United States as an idea or symbol of freedom and opportunity, often in stark contrast to the conditions in the countries of their births. The average native born American, imbued with the independent spirit of the founding fathers, identified himself more closely with his community, state and region, rather than with the United States. The central idea of liberty and the rule of the people was strong in ante-bellum America, however the Federal government apparatus had a narrowly defined role and in most instances did not often intrude upon the life of the average citizen. By the end of the Civil War, nearly every northern

family had been touched by the Federal government, if only through interaction with the local Provost Marshall and the Enrollment Board.⁷

Providing for the national defense was a primary responsibility of that government. The manner of raising armies, though a duty of the legislature, was not through conscription, but through a militia system. Article I of the Constitution carefully defines the manner of responsibility in the raising of armies, giving the Congress the power of the purse while placing the bulk of administration on the states. A commonly held belief of the time was the duty of able bodied citizens to volunteer, to drop the plow and pick up the rifle. Conscription was decidedly "un-American and unconstitutional."⁸ Frenchman Count Alexis de Tocqueville, a perceptive judge of American character, said it best when he noted in the 1830's "the notions and habits of the people of the United States are so opposed to compulsory recruitment that I do not think it can ever be sanctioned by their laws."⁹ He was not to be proved wrong until every other possible recruitment expedient short of conscription had been tried in the Civil War.

Twice in a middle aged man's memory, the nation had been at war with a foreign power, in 1812-1815 against Britain and 1846-48 against Mexico. The call to arms by the Federal government was accomplished primarily through the states and their militia system. Enough volunteers responded so that a draft was not required to meet manpower quotas. Unlike the large professional armies of Europe, America had not resorted to conscription to maintain a large standing army. The politics and

geography of Europe made maintenance of large standing armies necessary. Not so in America, where two large oceans, a wide expanse of frontier and carefully crafted treaties kept threats manageable. A navy was maintained, befitting the requirements of a maritime nation.¹⁰ This reliance on militia, augmented by volunteers motivated only by a sense of duty to respond in the nation's defense when called, formed one of the central tenants of state's rights. Article I of the Constitution reinforces this notion with the term "...*raising* armies..." The founding fathers saw no need to *maintain* a standing army. Indeed, the very notion of a large standing army ran counter to the separation of powers doctrine because it might give too much power to the executive.

War of 1812

Our second war with Britain represented the first invasion of the nation since the Revolution and certainly qualified as a national emergency. Early defeats, including the burning of Washington, galvanized the Congress to ask that a plan be developed to improve the Army's performance while raising sufficient troops to defend the country. In response, Secretary of War James Monroe put forth four proposals. Proposals 1 and 2 (favored by the Administration) dealt with mandatory conscription and the machinery to perform it, while proposals 3 and 4 relied on versions of the current militia system. Daniel Webster brilliantly lead Congressional opposition to conscription and in the end, proposal 4 was adopted.¹¹ A system of land bounties was established as an inducement to join, which Monroe opposed.¹² Fortunately the war ended before the worth of the adopted proposal could be measured. The militia in fact

performed poorly in combat as well as in its important role of providing the backbone around which volunteers were organized into regiments. The lesson was dutifully recorded but quickly forgotten.

War with Mexico

The Mexican War of 1846-48 featured no shortage of volunteers to augment the Regular Army. Toward war's end a critical manpower shortage developed when the enlistment period of many volunteer units expired (the result of states allowing units to set the period of enlistment). In response, the Federal government resorted once more to land bounties to induce recruitment for both Regular and volunteer regiments. This program was successful and no plan for a draft was ever seriously considered. The primary means of recruiting volunteers still centered around the militia. Once again the decline of the militia in many states severely hampered the training and efficiency of the volunteers.¹³ The war was so successful and of such short duration that the lessons re-learned were re-forgotten.¹⁴ This myopia continued up to 1861.

PREPARING FOR CIVIL WAR

States in Charge: The Breakdown Of The Militia System

What was not apparent in 1861 was that war itself had changed. Not just in weapons and tactics but in scope. Few Americans realized in those early months that the Civil War would pit nation against nation and would require the collective energies of over twenty million Union citizens, wielding vast military and economic power to

restore the country. Hence the government's approach to mustering an army was initially short-sighted and haphazard, without any form of coherent centralized control.

The militia system, created by the Militia Act of 1792, and enhanced by the Act of 1795, had largely broken down by 1861. Under the Act it was the duty of able-bodied men between the ages of 18-50 to enroll in the militia units of their state. The language of the Acts placed responsibility for nearly every important militia process under the state governors vice the Federal government. This led to an often fantastic lack of standardization in dress, drill, arms and organization.¹⁵ A quota was assigned each state and that state conducted the call-up of the militia to be mustered into Federal service. The militia thus called formed the backbone of most volunteer units (the Regular Army being kept intact). Volunteers mustered in their state and joined the established regiments. Even though enrollment was a form of coercion, it was a generally seen as duty of citizenship and appears to have been successful in enrolling most eligible citizens, at least in the four decades following Independence.¹⁶

About 1820, a change began to occur in the attitudes of many Americans toward compulsion to serve. This was primarily prompted by the rise in economic power which was fueled by the democratic process and the coming industrial revolution. As people made their own way in society, an individualistic outlook began to replace the sense of the community of colonial times.¹⁷ This change in attitude extended to serving in the militia. Units began to reflect not only differences in organization and equipment but in politics as well. In many states the former structure was nearly non-

existent after years of neglect by some state governments who either considered the militia an expensive burden in an era of relative peace or who had strong reservations about compulsion to serve.¹⁸ This decline in the favorable attitude toward compulsory militia service was captured by David Osher in his 1992 PHD dissertation, "Soldier Citizens for a Disciplined Nation: Union Conscription and the Making of the Modern American Army." Osher quotes New Hampshire Governor Samuel Dinsmore in an 1832 speech on the subject:

...as a people we are not imbued with the same pure love of country...that filled our father's hearts. They never murmured at the performance of militia duty, nor at the performance of any other duty required by law; they bowed with reverence to the laws of the land, and they deemed it a pleasure, nay, a high privilege to bear arms.

Social class also intruded and many units evolved into little more than "gentlemen's clubs" representing the elite of society. The mandatory attendance at drill, maintenance of an accurate roll, maintenance of equipment, uniform supply and a host of other issues were neglected, contributing to the decline.¹⁹ The militia's general failure to perform well in both the War of 1812 and the War with Mexico has been discussed above. Incredibly, the obvious lessons had not been learned and solutions found. By 1860, the militia system would be completely inadequate to provide the backbone of a national army in the coming emergency.

The Regular United States Army

The Regular Army of 1861 consisted of only 16,000 troops and was largely deployed protecting the western frontier. Considered an expensive but necessary evil by the majority of Americans, service in the Army was generally undesirable as a means of employment due to the harsh duty, low pay, years between promotions and long absences from family.²⁰ It was also felt by most Americans, again harkening back to the sense of independence and states rights, that volunteers represented the national ideal of the soldier, as personified by the Minute Men of Lexington and Concord.²¹ Additionally, experience in both the War of 1812 and the War with Mexico had shown bounties for service in volunteer regiments normally outstripped those offered to Regulars.²²

What previous wars certainly showed was the wholesale superiority of Regulars over volunteers and militia. There was no substitute for training and the certain reliability of Regular formations in fighting prowess, leadership and longevity of service. Again, those previous war's lessons learned were ignored and the Regular Army was kept at a minimum for defense of the western frontier until the outbreak of the Civil War. Additionally, instead of devising a system whereby the Regulars would organize and train volunteers, the War Department still depended upon militia organizations to accomplish this under the direction of the state governments.

THE WAR BEGINS: "Home Before the Harvest"

That the Federal government was unprepared for what was to prove to be protracted struggle is revealed by the incremental, haphazard approach to raising troops during the first year of the war. It has often been true that governments tend to under-react rather than overreact to crises. James M. McPherson, in Battle Cry of Freedom, notes: "The United States has usually prepared for wars after getting in them. Never was this more true than in the Civil War."²³ To be sure, there were very few persons in government with either experience in mobilizing large numbers of troops or who could predict the extraordinary efforts that would eventually be required to mobilize sufficient manpower. The initial hope was that a show of force of sufficient size would induce the rebel states to capitulate without a fight and that, as in the War with Mexico, this minimal effort would not negatively impact the majority of citizens or institutions.

As in the War with Mexico, the Regulars were kept intact, rather than piecemeal them as the cadre for volunteer regiments. This poor decision by General Winfield Scott, the hero of the War with Mexico, doomed the Regulars to disuse. Believing the Regulars to be the only worthwhile combat units early on (as they had been in 1846) Scott reserved for them the role of 'shock' troops to be used against the rebellion en-masse. Unfortunately, the small aggregate size of the Regular Army, especially when dwarfed by a sea of volunteers, made their effect negligible in combat.²⁴ Far better would have been to detail selected Regulars to organize and train

the vast number of volunteers. The militia would again become the basis for volunteer recruiting as it always had before (and always failed before).

These serious problems did not appear for some time as manpower was the least concern of the War Department in the first few months. The challenge from the Southern states, personified by the attack on Fort Sumter, was all the inducement required as 93,536 men flocked to the defense of the Union, easily surpassing President Lincoln's initial militia call of April 15, 1861 for 75,000 three month volunteers.²⁵ This was expanded by Lincoln's call May 3 for 42,000 volunteers for "three years or the war" (where upon many men in three month regiments simply reenlisted or entire regiments converted) and an additional 23,000 for the Regular Army²⁶.

One interesting phenomenon underlining the spirit of volunteerism and lack of enthusiasm for the Regular Army was the very slow response to the Regular Army call. Again the proper ideal for a soldier was to volunteer and serve in a regiment of one's own choosing. The election of officers and NCOs in volunteer regiments contributed to their appeal as well as the fact that volunteers served for the war vice a specific Regular Army contract. Most volunteers reasoned they would be home before the harvest as opposed to being trapped in the Regular Army for several years.²⁷ The most tangible fact affecting Regular Army recruiting was the extra bounties often available for volunteer regiments. This disparity only got worse as the war progressed.

This huge influx of volunteers responding to the uncoordinated calls from Washington quickly outstripped the Federal government's ability to clothe and equip

them. Whereas state and local officials charged with recruiting and training troops had performed reasonably well, the national government had performed poorly, especially in the areas of supply and the speed at which the volunteer regiments were mustered into the Federal service.²⁸ To fill this gap in administration at the national level, the Governors convened state legislatures to appropriate money for clothing and equipping troops, as well as appointing recruiting and training officers.²⁹ State recruitment quotas were established during each call for troops and the states were left to recruit their required number. This system suited the Governors well, as they acted as agents of the Federal government. It allowed them to fill officer quotas as political patronage, a sometimes ruinous practice as many officers were appointed with little or no military experience. Additionally, independent, non-state sponsored units could be organized for Federal service by enterprising individuals. These units were normally understrength, however, and had to be filled with additional state recruited men.

As a result of the confusion and delay by the Federal government, volunteers languished in state run camps of instruction waiting for arms and uniforms and to be mustered. The martial ardor began to wane among the green troops (who certainly had little idea of what awaited them).³⁰ Additionally, thousands of potential recruits were actually turned away because quotas were filled. This excess of patriotism would be sorely missed. President Lincoln noted in his July 4 notice to Congress that: "one of the greatest perplexities of the government, is to avoid receiving troops faster than it can provide for them."³¹

It is paradoxical that the single most important recruiting initiative of the summer of 1861 was not any government move but the defeat at Bull Run on July 21. The defeat had shown what Secretary of War Simon Cameron and the remainder of the government could not and would not see: that the Confederacy would not wilt in the face of demonstrations and proclamations. Rather the war would be long and require large numbers of well trained troops. Just as recruiting had slowed to a trickle due to the mismanagement and false notion that enough troops had been raised, Bull Run precipitated a rush on the recruiting offices that erased the War Department's poor initial performance.

The War Department had also failed to appreciate the collapse of the militia system. Instead of depending on called up militia to organize and train volunteers, states were forced to find sufficient volunteers with military experience around which to form regiments. Even more potentially damaging was the fact that a system of replacements did not exist at that time. Instead of recruiting to fill vacancies in under-strength units (already a problem in mid-1861 due to sickness and disability), entire new regiments were raised. This of course catered to the Governor's requirements to create more regiments providing more officer appointments. Additionally, it fulfilled the desires of many men to serve with their friends in a regiment of their own choosing. As it often took months for a regiment to form and be mustered in, these new recruits were denied to units that desperately needed them.³² This practice continued to an extent throughout the war with sometimes disastrous results to the

morale and efficiency of veteran regiments, reduced as they were to very small fractions by battles and disease.

By mid-1861, the haphazard, disorganized recruiting effort had begun to fail. Great confusion reigned as the July call for 500,000 volunteers followed the April call for 75,000 militia. Simultaneous formation of state militia, state volunteer and individually raised regiments competed with each other for manpower. Some regiments were recruited under one call but were sworn in under another (such as militia regiments converted to volunteer regiments). As a result of this improper accounting and the absence of any clear long term plan for recruiting, the federal government discontinued the system of state quotas that had worked fairly well. This did not stop the Governors however and the army continued to grow haphazardly until the fall of 1861.³³

The Collapse of State Recruiting

The Civil War was our most literary war. Censorship was virtually unknown. As newspapers began to cover the war in earnest and thousands of soldiers' letters reached home, the realities of war began to replace the dreams of glory of spring 1861. Political partisanship among newspapers was standard and editors had already begun to replace the early universal enthusiasm for the war with more partisan reporting.³⁴ All this accurate, semi-accurate and fanciful information on the situation within the Army had begun to sap the patriotism of the northern home front until pure volunteerism, without some type of additional inducement, was rare. Indeed recruiting had nearly

ceased as early as late summer, 1861. Fred A. Shannon, writing in The Organization and Administration of the Union Army 1861-1865, quotes an editorial in "The New York Times" of September 2, 1861 in which a special appeal to recruiting cited the following reasons to join up:

...it was a noble cause; the pay was the highest in the world; the rations were the largest and best of any army anywhere; the reign of shoddy was over (*poor uniforms and equipment*); good camp and hospital equipage was universal; weapons of the most desirable and effective patterns were being supplied; the Treasury of the United States was ample and its credit good; weather conditions in the field were ideal; the winter months south of the Potomac being only a long genial autumn; the rush season of work was over and a slack period coming on; the odds of numbers would now be with the Union instead of against it, because of the withdrawal of Confederate troops for harbor defense.

The editorialist uses some obvious poetic license but it identifies the strongly held opposite beliefs of many military age citizens remaining at home. Recruiting had also slowed for another fundamental reason: the threat to life and liberty from the war was minimal on the Union home front. The inducement to join for "an idea," the restoration of the Union and for some, the freeing of the slaves, was far less tangible than that of a citizen who believed he was defending his home and family, as in the South. Nonetheless, 500,000 troops had been raised by November.

By the fall of 1861, the War Department finally recognized the collapse of the militia system due to the poor call-up and difficulty in training and organizing volunteers. Concern over this situation was muted somewhat because of the feeling

that sufficient troops had been raised. One significant change was enacted at this time and was the first step taken toward creating an efficient central recruiting system. First was the elimination of "unattached" or individually raised regiments, making the state governors the only legally recognized authority for raising volunteers. The effect was more psychological than actual as the number of regiments affected was small. The Governors were certainly pleased and the general populace approved the move as evidence the War Department was actually doing something³⁵

The Cameron/McClellan Replacement Plan and Stanton's Blunder

It took General George B. McClellan, in his capacity as General-in-Chief of all Federal armies, to develop a plan for recruiting that actually made sense. On December 3, 1861, he set down a complete reorganization of the recruiting effort. The plan took the responsibility for further recruiting away from the states and placed it in the hands of a Federal recruiting service featuring General Superintendents placed in charge of each state recruiting depot. There were to be no more organizations formed, but recruiting would continue to fill up existing regiments. Training was to be conducted by experienced drill masters. Each regiment in the field would return a small detachment north (not necessarily to the area the regiment originated from) to select men for replacements.³⁶ The plan was adopted by Secretary of War Cameron, soon to be replaced by Edwin Stanton in January, 1862.

The new system was not an indictment of the governors but more likely a recognition that the main job of organizing regiments was done. The plan was

immensely popular with the Army and those advocates of more central authority. It was less popular with the governors for obvious reasons. By March, 1862, much of the machinery was in place. Suddenly, new Secretary of War Edwin Stanton canceled the entire system April 3 in what was arguably the worst of a series of War Department mobilization miscalculations during the war. Stanton's reasons have never been adequately explained. His explanation centers around a need for economy, as the system was paid for by the national government.³⁷ Stanton likely believed the present military situation was so favorable (Union victories in the west and McClellan's drive on Richmond) that further expenditure on recruiting was wasteful.³⁸ It is difficult to believe that this was the only reason for such an abrupt reversal. It may also have been that Stanton, always mindful of the need for the political support of the governors, may have sided with them (continuation of state controlled recruiting) and in effect against McClellan, his antagonist. Alternatively, canceling the program may have been simply wishful political thinking, designed to enhance the Administration's stature after the low point of Bull Run. A third alternative could simply have been Stanton's desire to establish himself as Secretary of War and remove actions by his predecessor for which he (Stanton) did not agree, a common enough action within political administrations. Historian Henry C. Lea summed up the confusion and frustration engendered by Stanton's decision and the overall recruiting effort when he remarked:

We have sedulously deceived ourselves as to the magnitude and duration of the struggle in which we are engaged.... Deluded with the idea that the rebellion was constantly near its end, we have habitually resorted to temporary expedients, when a permanent system was indispensable...Our rulers announce that no more men are wanted, and

close all the recruiting offices. Six months later, the nation wakes up to find that its magnificent battalions have melted away."³⁹

Total War: The Militia Draft of 1862

The military situation by spring 1862 looked bright. Union arms had been victorious in the west and McClellan had finally begun to press Richmond on the Peninsula. The battles of Shiloh and Fair Oaks/Seven Pines changed things abruptly. The huge casualty lists and even larger sick and desertion tolls showed that historian Lea's "magnificent battalions" had in fact "melted away." As abruptly as it had been canceled, the recruiting system was reestablished June 6, 1862. Meanwhile, in April, 1862, the Confederate Congress approved universal conscription, with exemptions and substitution rules. This and the ultimate failure of McClellan to take Richmond completed the shocks of the Summer of 1862 and the War Department finally shook loose from its torpor.⁴⁰ Calls of May and July 1862 produced an additional 400,000 men through extraordinary efforts by states and communities, including the first bounties.⁴¹ It was not enough however, especially with delays in reporting in the still cumbersome system. Something new was needed.

Federalists and realists in the north had clamored for a system of universal conscription from the early days of the war. Congress included many of its members in that group. A further call by the War Department for 300,000 troops in August lead Congress to enact the first ever draft in American history. The intent was to assist the

governors in filling their quotas using the state's militia powers, with those men drafted being enrolled in the militia. Once enrolled, the militiamen were subject to Federal activation in the usual way. The theory was that the threat of a draft would coerce men to volunteer and communities and states to redouble their efforts to attract enlistees with bounties and promises of land, etc..⁴² The War Department issued guidelines on exemptions that included special skill categories and the medically unfit. The process ran as follows: states distributed their quotas among counties and communities. Those communities then conducted recruiting drives up to a deadline and compared the quota with the number enlisted. If short, a draft was held, if the quota was met, the draft was canceled in that area. In many areas, especially in the West, drafts were never held during this first call.⁴³

The authorization of Substitution, the practice of providing a substitute for the draft, was begun during this call. This quickly led to "substitute brokers" procuring substitutes for a fee and the race was on for bounty and substitute money. Anyone with a quick mind and prone to the criminal side could easily make money by hiring out as a substitute for someone called in the draft, desert, then do it again somewhere else. Likewise, volunteers would enlist, collect a bounty (eventually sums of \$1000 were not uncommon), desert and then complete the process in another town. This practice would increase throughout the war until one estimate placed up to 5000 "bounty jumpers" on New York's Manhattan Island alone in early 1865.⁴⁴

Bounty jumpers, substitute brokers, potential draftees fleeing to Canada or to adjacent states, men who simply refused to muster, as well as random acts of violence against draft officials, were salient features of the first draft. When completed, the Militia draft of 1862 appeared to be a failure as only a very small percentage of the total of 509,000 men were drafted.⁴⁵ The problem lay in the state administration, made extremely complicated by the exemption and substitution provisions. It was however, a success in its unwritten goal: inducing men to volunteer. An extraordinary outpouring of recruiting energy had sprung from loyal citizens who supported the war, whether or not they agreed with the need for a draft. Inducement techniques covered the gamut from huge bounties to lists of shirkers in newspapers, to cartoons and broadsides featuring appeals from the feminine side to "join the ranks of heroes." Americans were beginning to work together toward the common goal of manpower mobilization.

The Final Step: The Enrollment Act Of 1863

"This draft will be the experimentum crucis to decide whether we have a government among us."⁴⁶ New York lawyer and strong Administration supporter George Templeton Strong's quote captured the test of the draft: whether the Federal Government had the authority and the means to conduct a national draft. The fall and winter of 1862-1863 produced casualties and disease of yet unheard of proportions, making it obvious that hundreds of thousands more men would be required to subdue the South. The Confederacy had mobilized nearly her entire white male eligible population through volunteers and conscription while the Union had mobilized but a

fraction through volunteers and a poor state run draft. What was also obvious was that volunteerism was nearing an end, except for those men reaching the minimum age of 18 that year. The state run draft system was cumbersome and erratic. What was needed was a national draft managed by the War Department. This final act, made inevitable by the demands of Total War, would be the greatest test of resolve for the republic, outside of the war itself.

Congress introduced the federal conscription law in early 1863. Chief among early worries at the War Department was the likely reaction from the governors to this latest and greatest assault on state's rights. The Republican majority in Congress carried the day over Democratic protests, however, and the bill became law in March 1863 after only four days of debate.⁴⁷ The Militia draft of 1862 had been an important step easing the transition but the violent reaction of summer 1863 was not foreseen. The rules and machinery were much the same, with Federal provost marshals and enrollment agents replacing state personnel, however the majority of the human staffing of the draft was performed by city and county agents hired for the purpose. Again the main problems concerned the cumbersome system and voluminous loopholes in the law. Colonel (later General) James Fry was named by President Lincoln as Provost Marshal General and was responsible for administering the draft, and a more difficult position could not be imagined. That Fry performed so well is a testament to his dedication, leadership and organization abilities. His lessons learned of this monumental task were vital for creating and engineering the drafts of the 20th century.

The Draft and Citizen Reaction

The initial draft call was scheduled for summer 1863. A necessary first step is the enrollment process, whereby men 20-45 were placed on rolls in their communities. This provided the manpower pool for the draft. Between squabbles over state quotas (always too high according to each governor), wholesale flight by draft age men and outright violence against officials, the enrollment was a near disaster, but that was minor compared to the abuses and violence that occurred during actual name drawing. The number of exemption categories and the substitution and commutation rules were a political and practical move by the War Department that backfired badly. The general public became so appalled at the ease at which exemptions were obtained that strong a voice of protest arose throughout the country. As violence perpetuated by anti-draft factions increased, with its culmination in the New York City draft riots of July 1863, a polarization of citizenry ensued that was remarkable for its effect on the war effort. General William T. Sherman was to say that without conscription there would have been no way to "separate the sheep from the goats and demonstrate what citizens will fight and what will only talk."⁴⁸

The draft riots and abuses did just that, separate fighters from talkers. The individual citizen became much more involved in the war, now that its mechanisms were much closer at hand. Space precludes a discussion of the draft riots themselves but their effects were widespread, both in the Army and at home. The combination of Union victories at Gettysburg and Vicksburg, and the draft riots and draft abuses,

galvanized citizens and soldiers alike to redouble efforts to “stay the course” and “finish the job.” The draft was a necessary evil that communities would take great pains to avoid by convincing enrollees to enlist. Fantastic bounty sums were paid to that end and often included a state, county and national bounty. Some western states recruited so well, because of the threat of a draft, that no draft was needed. The riots were also important because Federal troops, just off the trains from the Gettysburg campaign, were instrumental in restoring order. Here was federal authority rescuing the people from death and injury perpetuated by what was seen by the public (and alleged by the Government) as essentially southern sympathizers (including a few actual southern instigators). Slowly the people had begun to see the Federal Government, vice their state, as the savior of life, liberty and union.

Results of the Draft: “Successful Failure”

After the violence had ended and the draft of 1863 was actually conducted, the results were a disaster. Of the 292,441 called, just over 88,171 men were “held to service,” in the Army. Of those *only* 35,883 men ever made it to the field. The rest either failed to report, deserted, were medically unfit (majority), hired substitutes or paid a \$300 commutation fee. In a 1 October, 1863 letter to Gen Sherman, Gen Henry Halleck declared “Your ranks cannot be filled by the present draft. It is almost a failure as nearly everyone is exempt. It takes more soldiers to enforce than we get by it. A more complicated, defective and impractical law could have scarcely been framed.”⁴⁹

But the poor results do not tell the whole story. At the same time 339,000 volunteers were raised. To be sure this figure includes bounty jumpers and the like, but does represent a large number of troops that would actually serve. This pattern would continue throughout the remainder of the war, as volunteers outnumbered selected draftees by a huge margin. Fully one million men volunteered the last year of the war. Only about 5.5 percent of the over 2 million men who served were conscripts.⁵⁰

The stigma of being drafted acted as a powerful inducement for men to volunteer, though not as powerful as bounties. "No man will call me a coward" was a familiar refrain. The attitudes of non-combatants, especially women, toward draftees were often very critical. Victorian society placed a high degree of stress on reputation and a sense of duty, the same motivation that kept soldiers standing in battle lines with cannon shells flying about their ears. Additionally the contemptuous attitudes of the volunteer soldiers toward the draftees and even bounty men, "patriots for hire," was well known on the home front, and this contributed to that stigma. Here, in the line with the veteran regiments, shot to pieces after three years of war, was felt the draft's final unintended effect. Appalled with the generally poorer human material of the bounty and drafted men, the veterans developed a sense of determination to see the war through that greatly increased the reenlistment rate of two and three year regiments in the field. Benjamin Falls of the 19th Massachusetts Infantry said "if new men won't finish the job, old men must...as long as Uncle Sam wants a man, here's Ben Falls."⁵¹

CONCLUSION

That the draft of 1863 was inevitable was as much a function of the incremental, disorganized approach to recruiting as it was a result of the extraordinary manpower requirements of total Civil War. What is extraordinary is the total weight of the unintended effects and their contribution to final victory. It is impossible to say which poor decision, if not made, may have allowed the government to recruit sufficient troops to efficiently prosecute the war. As in all such historical situations, the actions resulting from one decision may have unintended effects on other decisions. Stanton's decision to cancel the replacement plan was a great mistake, but it is uncertain whether the system, if left intact, would have been able to handle the large manpower requirements needed to replace the escalating losses of 1862-1864, even after the correct but tardy decision to recruit Negro troops.

There is no direct evidence that Stanton made the decision for political, as well as economic reasons, but the prevailing relationship between Stanton, the governors and George McClellan suggests it. It is certainly true that the draft did induce a large number of volunteers to enlist rather than be drafted, numbers which though difficult to quantify, certainly outnumber the population actually conscripted. But the benefits of the draft go far beyond the numbers conscripted or induced to volunteer. The following positive points to the draft are presented in conclusion:

- The draft was an effective measure to induce volunteer recruiting because of the "social stigma" of draft status both at home and in the army, potential

loss of bounty money and the lack of choice of unit for draftees. Veteran soldiers reenlisted to continue to fight rather than leave the fighting to inexperienced and poorly motivated draftees and bounty men.

- The draft provided the state governors with an effective tool to induce recruiting to fill their state quotas, in effect taking the onus off the governors and shifting it to the Federal government as the “enforcer.”
- The draft provided a powerful inducement to local communities, businesses and states to increase the recruiting efforts and bounty money available so as to avoid the “community stigma” of not meeting quotas.
- The draft riots and other acts of violence brought home to the North the terrible earnestness of the war and the need for complete citizen involvement. Though extremely divisive, the draft’s polarizing effect contributed to re-motivating a populace tired of war by focusing on the anti-war/anti-draft factions as defacto allies of the Confederacy. This perceived “threat” replaced the absence of a threat from the Confederate military.
- The draft introduced the concept of compulsory military service to America during a time of great emergency, making it much more palatable for the populace. Americans now saw that there were indeed legitimate reasons for universal conscription. This helped clear the way for future drafts enacted during the wars of the 20th century.

The history of the United States prior to 1861 emphasized the word States, but after the Civil War, the emphasis fell on the word "United." The average citizen's sense of obedience to a strong central government would now enable him to condone compulsory military service. Wrenched into a national emergency without equal before or since, Americans learned that a country by and for the people required all of its people to come to that government's defense, setting aside individual desires and even rights formerly thought sacred. We as a people grew up during the Civil War, and part of that aging process was a grudging understanding that it was not enough just to create the revolution and the democratic form of government it promised. Rather it was the maintenance of that form of government that promised long term Union. The Americans who answered the call for World War I, the Great Depression and World War II were a product of that aging process, born in the fire of the Civil War.

ENDNOTES

- ¹ Walter Millis, Arms and Men: A Study of American Military History (New Brunswick, New Jersey: Rutgers University Press, 1956), 43-44
- ² Paul A.C. Koistinen, Beating Plowshares Into Swords: The Political Economy of American Warfare (Lawrence, Kansas: University Press of Kansas, 1996), 172
- ³ David Martin Osher, "Soldier Citizens for a Disciplined Nation: Union Conscription and the Construction of the Modern American Army" (Ph.D. diss. Columbia University, 1992), 148-149
- ⁴ Ibid, 149
- ⁵ Ibid, 150
- ⁶ Constitution of the United States
- ⁷ James W. Geary, "A Lesson in Trial and Error: The United States Congress and the Civil War Draft, 1862-1865" (Ph.D. diss. Ohio State University, 1977), 6
- ⁸ Joseph Ronald Fernandez, "Conscription in the Civil War and World War I; the Rejection and Acceptance of Authority" (Ph.D. diss. University of Connecticut, 1976), 31
- ⁹ Donald Dale Jackson, Twenty Million Yankees: The Northern Home Front, Time Life Book's The Civil War (Alexandria, Virginia: Time Life Books, 1985), 86
- ¹⁰ Millis, 43
- ¹¹ Koistinen, 62
- ¹² Merton G. Henry and Marvin A. Kreidberg, History of Military Mobilization in the United States Army 1775-1945 (Washington: Center of Military History, United States Army, 1989), 52-56
- ¹³ Ibid, 69-77
- ¹⁴ Ibid, 81-82
- ¹⁵ Fernandez, 28-30
- ¹⁶ Ibid, 30
- ¹⁷ Osher, 52
- ¹⁸ Ibid, 53-56
- ¹⁹ Kreidberg and Henry, 90
- ²⁰ Samuel J. Newland, interview by Douglas G. Cooper, November 12, 1996, Carlisle, PA
- ²¹ Ibid
- ²² Fernandez, 30
- ²³ James M. McPherson, Battle Cry of Freedom, The Oxford History of the United States (New York: Oxford University Press, 1988), 323
- ²⁴ Kreidberg and Henry, 97
- ²⁵ Ibid, 92
- ²⁶ Ibid, 92
- ²⁷ Newland, 1996
- ²⁸ Fred Albert Shannon, The Organization and Administration of the Union Army 1861-1865, Vol. 1 (Cleveland: Arthur C. Clark Co., 1928) 262

- ²⁹ McPherson, 323
- ³⁰ Shannon, 259
- ³¹ McPherson, 323
- ³² Koistinen, 170
- ³³ Kriedberg and Henry, 100
- ³⁴ Jackson, 20-30
- ³⁵ Shannon, 261
- ³⁶ Ibid, 265
- ³⁷ Ibid, 267
- ³⁸ Kriedberg and Henry, 102
- ³⁹ Henry Charles Lea, "Volunteering and Conscription." Vol. 1. United States Service Magazine. March, 1864. 239-240.
- ⁴⁰ Shannon, 270-271.
- ⁴¹ Kreidberg and Henry, 94
- ⁴² Jackson, 89
- ⁴³ Ibid, 89
- ⁴⁴ Eugene C. Murdock, Ohio's Bounty System in the Civil War (Ohio State University Press, 1963), 27
- ⁴⁵ Jackson, 92
- ⁴⁶ Ibid p 86
- ⁴⁷ Ibid p95
- ⁴⁸ Ibid 111
- ⁴⁹ Kreidberg and Henry, 107
- ⁵⁰ James W. Geary, We Need Men: The Union Draft in the Civil War. (Dekalb, Illinois: Northern Illinois University Press, 1991). 85.
- ⁵¹ James I. Robertson Jr., Tenting Tonight, Time Life Book's The Civil War. (Alexandria, Virginia: Time Life Books, 1984). 37.

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